

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

FRANK PIZZELLA, JR.,

Defendant.

NO. 3:09-CR-277

FILED
SCRANTON

SEP 15 2009

PER

DEPUTY CLERK

I N D I C T M E N T

18 U.S.C. § 371

(Conspiracy To Commit An Offense Against The United States)

THE GRAND JURY CHARGES:

THE CONSPIRACY

1. From on or about January 1, 2004, the exact date being unknown to the grand jury, and continuing thereafter until on or about December 2, 2004, in the Middle District of Pennsylvania, and elsewhere, the defendant,

FRANK PIZZELLA, JR.,

did knowingly, intentionally and wilfully combine, conspire, confederate, and agree, together with other persons known and unknown to the grand jury, to corruptly give, offer and agree to give \$5,000 in cash to a member and agent of the Wilkes-Barre Area School District Board of Education with the intent to influence and reward the member of the Wilkes-Barre Area School District Board of Education in connection with the hiring of a teacher by the Board of Education, in violation of Title 18 United States Code, Section 666(a)(2).

PARTIES, PERSONS AND ENTITIES

2. At all times material to this Indictment:

3. The defendant FRANK PIZZELLA, JR. was a citizen of the Commonwealth of Pennsylvania who resided in Luzerne County, Pennsylvania;

4. The Wilkes-Barre Area School District Board of Education was a local government agency within the meaning of federal law. The Wilkes-Barre Area School District received federal assistance in excess of \$10,000 during each of the one-year periods beginning on January 1, 2004 and January 1, 2005;

5. A person hereinafter referred to as the "UNINDICTED BOARD OF EDUCATION MEMBER" was a member of the Wilkes-Barre Area School District Board of Education who was an agent of the Board of Education and who was authorized to act on behalf of the Board of Education in matters involving the hiring of teachers by the Wilkes-Barre Area School District;

6. A person hereinafter referred to as "UNINDICTED CO-CONSPIRATOR #1" was a person who wanted to obtain a full-time teaching position with the Wilkes-Barre Area School District and who, during the existence of the conspiracy, did obtain a full-time teaching position with the Wilkes-Barre Area School District through the corrupt payment of \$5,000 cash to the UNINDICTED BOARD OF EDUCATION MEMBER;

7. A person hereinafter referred to as "UNINDICTED CO-CONSPIRATOR #2" was the spouse of UNINDICTED CO-CONSPIRATOR #1;

8. A person hereinafter referred to as UNINDICTED CO-CONSPIRATOR #3 was the father-in-law of UNINDICTED CO-CONSPIRATOR #1 and the father of UNINDICTED CO-CONSPIRATOR #2.

MANNER AND MEANS BY WHICH THE
CONSPIRACY WAS CARRIED OUT

9. The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:

10. UNINDICTED CO-CONSPIRATOR #1 wished to be hired as a full-time school teacher but was unsuccessful in obtaining a full-time teaching position. The defendant FRANK PIZZELLA, JR. knew that UNINDICTED COCONSPIRATOR #1 wished to be hired as a school teacher and indicated to UNINDICTED CO-CONSPIRATOR #1 that the defendant FRANK PIZZELLA, JR. could get UNINDICTED CO-CONSPIRATOR #1 a teaching job in the Wilkes-Barre Area School District by making a corrupt payment of \$5,000 to the UNINDICTED BOARD OF EDUCATION MEMBER.

11. UNINDICTED CO-CONSPIRATOR #1 and UNINDICTED CO-CONSPIRATOR #2 borrowed \$5,000 in cash from UNINDICTED CO-CONSPIRATOR #3 with the understanding that the cash would be transferred to the UNINDICTED BOARD OF EDUCATION MEMBER and that UNINDICTED CO-CONSPIRATOR #1 and UNINDICTED CO-CONSPIRATOR #2 would thereafter re-pay the loan to UNINDICTED CO-CONSPIRATOR #3.

12. UNINDICTED CO-CONSPIRATOR #3 transferred \$5,000 in cash to the defendant FRANK PIZZELLA, JR. who thereafter corruptly gave the cash to the UNINDICTED BOARD OF EDUCATION MEMBER.

13. Beginning on or about September 24, 2004, UNINDICTED CO-COCONSPIRATOR #2 made a series of payments by check to

UNINDICTED CO-CONSPIRATOR #3 as repayment of the \$5,000 cash that had been corruptly given to the UNINDICTED BOARD OF EDUCATION MEMBER.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the Middle District of Pennsylvania, and elsewhere:

1. On a date prior to September 24, 2004, UNINDICTED CO-CONSPIRATOR #3 transferred \$5,000 cash to the defendant FRANK PIZZELLA, JR.;

2. On a date prior to September 24, 2004, the defendant FRANK PIZZELLA, JR. gave \$5,000 cash to the UNINDICTED BOARD OF EDUCATION MEMBER;

3. On or about September 24, 2004, UNINDICTED CO-CONSPIRATOR #2 issued a check in the amount of \$500, payable to UNINDICTED CO-CONSPIRATOR #3;

4. On or about October 9, 2004, UNINDICTED CO-CONSPIRATOR #2 issued a check in the amount of \$500, payable to UNINDICTED CO-CONSPIRATOR #3;

5. On or about November 6, 2004, UNINDICTED CO-CONSPIRATOR #2 issued a check in the amount of \$500, payable to UNINDICTED CO-CONSPIRATOR #3;

6. On or about December 2, 2004, UNINDICTED CO-CONSPIRATOR #2 issued a check in the amount of \$2000, payable to UNINDICTED CO-CONSPIRATOR #3.

In violation of Title 18, United States Code, Section 371.



DENNIS C. PFANNENSCHMIDT
United States Attorney

A TRUE BILL



Dated: 9/15/09